

EXPLANATION OF

02

فَرْوَةُ الْفَقِيهِ

IBN AL-MIBRAD



SHAYKH AHMAD MUSĀ JIBRĪL

May Allah (سبحانه و تعلى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه و تعلى) keep him sincere and continue to shower his life and da'wah with His blessings and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allah make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allah facilitate the completion of this Sharh, and shower him with His aid always and forever.



[SH AHMAD JIBRIL](#)



[SHAYKH AHMAD JIBRIL](#)



[T.ME/AHMAD MUSA JIBRIL](#)



[SHAYKH AHMAD MUSĀ JIBRĪL](#)



[SHAYKH AHMAD MUSĀ JIBRĪL](#)

بسم الله الرحمن الرحيم الحمد لله

All praise is due to Allah, and may the peace and blessings be upon the Messenger of Allah, as for what follows:

Last Halaqah we took an introduction about the book and a brief biography about the author and some issues pertaining to Talab-ul-'Ilm. And there's plenty of other matters that pertain to Talab-ul-'Ilm that we should go over. Some we mentioned in previous series, but some we need to address in an independent series by itself. Many neglect the spiritual aspect in Talab-ul-'Ilm. For example, one must ask Allah (سبحانه و تعالى) consistently to grant him beneficial 'Ilm and sincerity.

وقل رب زدني علماً

(And say: "My Lord! Increase me in knowledge.") 20:114

Ibn Hajar رحمه الله تعالى said, Allah didn't order the Messenger to make duā' for anything specific of the matters of the dunya other than dīn and knowledge. The more one learns the more one should thank Allah (سبحانه و تعالى). Just like when Allah grants you wealth you thank Allah – you thank Allah and He gives you more – [it's] the same with knowledge. Some of the all-time Imāms said we didn't reach the status we reached except by thanking Allah every time we learned something. We thank Allah for knowledge attained – and then Allah (سبحانه و تعالى) gives us more.

Knowledge is amongst the biggest Ni'am (blessings) one must thank Allah for. The person is being honored by being entrusted with the deen of Allah. And when sincere with that – it's a sign that he or she is special. And Allah (سبحانه و تعالى) selected them.

من يرد الله به خيراً يفقهه في الدين

When Allah wishes good for someone, He will bestow upon them the comprehension of the deen.

Ibn Taymiyyah (رحمه الله تعالى) said:

كل من أراد الله به خيراً لابد ان يفقهه في الدين، فمن لم يفقهه في الدين لم يرد الله به خيراً

Everyone who Allah wants good in, he will bestow knowledge upon him. And if he doesn't bestow knowledge upon him then he doesn't wish good for him.

An-Nawawi رحمه الله تعالى said, knowledge is the leader to the Taqwa of Allah. Among the most wise times spent, is the time spent in Talab-ul-'Ilm. Look at those who left behind their home towns – and even their continents, they left their family and their wealth, they left the comfort and luxury to learn a few Ahādīth or sometimes one Hadīth. And now it's in someone's pocket and he turns away from it. One should be patient in learning and not rush into it and take it to an extreme – especially when starting.

The Ulamā' studied for years upon years. Some want to rush and finish a book – we didn't even start this book and some are already asking how long it will take to finish the book, and that's because they're eager Tulāb Al-'Ilm may Allah (سبحانه و تعالى) reward them. The book can be finished in less than a one-day seminar. One full day seminar the whole book can be completed.

Al-Usūl Athalāthah that we studied could have been finished in a road trip and we actually did do it one time in a road trip. But there's a difference between one type of finishing and another. These classes are made to target the physical and virtual followers – yes. But also, beyond that, with the foresight of the descendants and generations who may come and read and listen or watch it – bi'thniAllahi ta'alā until Yawm Ad-Dīn – that is why I ask Allah (سبحانه و تعالى) that if I ever say a word or lecture or talk that is not in complete accordance to the Qur'ān and the Sunnah, I ask that Allah Al-Hay Al-Qayūm to submerge it and never let it emerge. And if it has emerged and spread, may Allah (سبحانه و تعالى) bury it to no return.

Some dear brothers were somewhat frustrated at the pace that we had going on Al-Usūl Athalāthah because they were eager and they wanted to move on to more advanced books. You do remember what I said – I said it's better to go in detail and lay down a strong foundation and raise a generation covering this matter thoroughly, rather than speed it up and take several books and just say we covered five or six books. In fact, the concepts and matters that were studied in Usūl Athalāthah was a summary of way more than five books. And by the will of Allah (سبحانه و تعالى) – and only Allah (سبحانه و تعالى) – the consequence is that it has raised firm Muwahidīn and Muwahidāt, who I'm truly proud of.

And Allah is my witness it is only from Allah (سبحانه و تعالى). Our resources are less than one can imagine. The pure Tawheed intertwined with pure hearts has raised pure Muwahidīn and Muwahidāt – as the young Jāhili poet said:

ستبدي لك الأيام ما كنت جاهلاً ويأتيك بالأخبار من لم تزود

The days will reveal what's hidden and you don't know, and the news will come from ways you didn't perceive it.

They say 'Abdullah Ibn Wahb – the Imām, the Muhadith – he studied with Imām Mālik for more than twenty years, never departing his side. That's why you read in history, 'we were with our Shaykh so and so when he gave his clothes to a poor person that asked him,' 'we returned from this place,' 'we attended this place.' They were inseparable from the shadow of their 'Ulamā' for long periods of time. When that doesn't happen – you sadly see those who learn a few matters of Fiqh, a few Harām and Halāl – they think they're the Imām Māliks of this era. Or a few 'Ilal (defects) of Hadīth or the different methodologies of Hadīth and they think they're the Yahya Ibn Ma'īns of this era, and no one else knew it before them – and no one knows it like them – and no one will grasp it after them. Their demeanor at least depicts that. Or a few aspects on Ēmān and Kufr and suddenly they're the Ibn Taymiyyahs and [Ahmad] Ibn Hanbals of this time.

We gave a little boy recently some toys. And among them was that classical vintage Rock-a-stack toy – it's that famous ring stacking toy that's been made for years and years and they never stopped making it. The baby became overwhelmed with that specific toy and he chose it over all the other toys. I told the baby's father, when you were younger, we bought you that exact same toy and by Allah I had that same toy when I was a child myself, I remember.

From the excitement on the baby's face, if he could speak, he would say this is mine and only mine. No one had it before me and no one will have it after me. It was made for me and only me. And that's how some act when they grasp on certain aspects of knowledge because of the lack of upbringing.

Ash-Shāfi'i رحمه الله تعالى said:

كُلَّمَا أَدْبَنِي الدَّهْرُ
أَرَانِي نَقْصَ عَقْلِي
وَإِذَا مَا إِزْدَدْتُ عِلْمًا
زَادَنِي عِلْمًا بِجَهْلِي

The more I gain knowledge, the more it makes me realize how ignorant I am.

In a recent private Halaqah with some dear beloved brothers, we were going over portions of the works of Imām Muhammad Al-Amīn Ash-Shanqīti رحمه الله تعالى, and we went over the fact that Ash-Shanqīti – who's a direct teacher, a Shaykh of my Shuyookh – towards the end of his life, he reclined back and stopped giving fatwas. And when pressured he would quote 'Ulamā' rather than give his own fatwa. Usually, as time goes by, one is steady and learning and teaching, they progress and excel in 'Ilm. Especially when you're consistent and researching and teaching as he was. The thing about it though, when you excel in **beneficial** 'Ilm, you also excel in the fear of Allah (سبحانه و تعالى) and humility to Allah. And it reached a point with him where he no longer felt that he was at the status of giving a fatwa – when he in fact, [he] was one of the biggest Imāms of his century.

Being with 'Ulamā', especially 'Ulamā' of Haqq, humbles one no matter how much he learns. And you see a difference in the demeanor and knowledge of one who gets his 'Ilm with 'Ulamā', and 'Ulamā' of Haqq and one who doesn't. And sometimes of course, especially nowadays, as deviance is spreading among the 'Ulamā', it's very difficult to find a 'Ālim of Haqq to take from. If the 'Ilm you're gaining is not gaining you more fear of Allah (سبحانه و تعالى) and humility to Allah (سبحانه و تعالى) and then His creation, then something is seriously wrong.

Allah (سبحانه و تعلى) said:

إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ

It is only those who have knowledge among His slaves that fear Allah. (35:38)

Ibn Mas'ūd said, knowledge isn't about gaining a lot of ahādith – it's about fearing Allah. And Imām Mālik has a very similar quote. Al-Imām Ibn Abdul Barr related that 'Umar ibn Abdulrahmān said we learned Imām Mālik's Muwatta with him in forty days – his famous compilation of hadith – we learned it in forty days. And Imām Mālik said when they were done, 'A book that took me forty years to write took you forty days to learn.' And some said it took him even sixty years to compile. He was implying one should go at a slower pace and letting them know the value and amount of 'Ilm they got they got, in that short time.

There's much more that needs to be addressed about Talabul-'Ilm that needs to be addressed in a nice long series, but I wanted to address specifically the issue of the pace – as some are already asking when we will finish.

But I don't think we'll be going slow; it'll really depend on the feedback and level that I see. I like to be comprehensive on any topic we fully go over because our lives are very short and our dawah is always interrupted. The foundation I like to lay on the various sciences we teach is so that Tulāb-ul-'Ilm can excel and work on their own after that, if needed.

And I said, this Matn can easily be explained in a one-day seminar – but I don't think that's a proper route to go. Now seeking the aid of Allah (سبحانه و تعلى) let's start with the book.

The Author رحمه الله تعالى said:

مدار الفقه على عشرة اشیاء

Fiqh roams around 10 matters, the realms or spheres of Fiqh are founded on ten components:

First:

عباده

Worship, 'Ibāda (that's the people's obligation towards Allah (سبحانه و تعلى) Salah, Zakah, Hajj, Jihād – what's between Allah (سبحانه و تعلى) and the creation

Second:

ومعاملات

Social dealings among people. Like Business transactions, buying and selling, and Riba (usury)

Third:

واجتماع

Ijtimā' literally means getting together, getting something or someone together. What he means here is getting two people together – getting the spouses together – meaning marriage

Fourth:

وفراق

Firāq literally means separating, which is the opposite of marriage – divorce, and matters that pertain to divorce and like it, *khul'* or matters that branch off from that.

Fifth:

وجنایات

Which are the injurious crimes. Like *Qisās*, which is the punishment for killing.

Sixth:

ومعاصي

Sins, but what he means here is legal punishments for matters like Zina, Homosexuality, Qadhf, Drinking, Stealing, and Apostating, etc.

Seventh:

واستخراج ذلك

Istikhraj Thālik, literally means taking something out of someone or something, what he means is matters you need to go to court for, to get your right rights, matters of witnesses, matters of judgeship.

اكل

Which is matters pertaining to Eating

وشرب

Matters pertaining to Drinking

وَقَسَمُ مَوَارِيث

The last one, it's a summary on the Laws of Inheritance

Why is inheritance the last [one mentioned]? Because it's among the last matters pertaining to one on this Dunyā, even after he's buried. Because inheritance comes after one's buried – the family divides the inheritance. So, it's matters that come after one is buried.

As to Mawārīth – dividing the inheritance – some separate it and put it in a different separate book. Some combine it with Fiqh, Alhamdulillah here he put it within our book. And it's important to go over it, at least briefly – for a Talib Al-'Ilm so he can encompass all the 'Ulūm pertaining to Fiqh, and later on, he can expand and learn more details. We do have a series on that [inheritance], but it's in the old cassette tapes because they were not recorded very clearly.

The ten spheres of Fiqh may be referred to as the major headings of this outline, or even the index of the book. The author رحمه الله تعالى broke them down into ten chapters here. But many other 'Ulamā' and Madhāhib divided Fiqh in various other ways. For example: The Fuqahā' of the **Ahnāf** divided it into three categories:

Ibn Abdeen said the spheres of Fiqh are:

- Ibādāt = Acts of Worship
- Mu'āmalāt = Social dealings
- And 'Uqūbāt, which is legal punishments

The Mālikiyyah like Abu Abdillah Al-Kharshi, he divided them into four,

- Worships
- Marriage,
- Selling and dealings and transaction, and
- Ijārah, which is contracts of hiring, and that which branches out from that

The Shāfi'iyyah like Al-Ramly رحمه الله تعالى divide the spheres into four as well but were different from the previous four, so he said:

- 'Ibādāt,
- Mu'āmalāt = social dealings,
- Marriage,
- and Jinayāt which is injurious crimes

The **Hanābilah** came after them and they **followed in the footsteps of Ash-Shāfi'iyyah** and they copied exactly what Ash-Shāfi'iyyah did. Ibn Muflīh said Ibn Qudāmah in his book Al-Mughni, followed in the path of Ash-Shāfi'iyyah in dividing Fiqh into 'Ibādāt, Mu'āmalāt, marriage, and Jinayāt.

Now what I mentioned of each of the Madhāhib – Is generally, what the Madhhab follows. It's the trend of that madhhab in their Mutūn and reference books. But there are exceptions, one of the exceptions is the one before you. What did I just say, I said Hanābilah divided Fiqh into four categories, and here your author has ten categories. Some even divided it into two categories. They just said 'Ibādāt and Mu'āmalāt only.

Dividing the Fiqh spheres into ten or four or two or three, that's not a 'Ibāda. It's from the Ijtihād of the 'Alim to categorize Fiqh as best as he can in a way he feels people will better understand his outline. Whether one chooses the ten or four or two it has no effect the substance matter.

Photograph those ten spheres in your mind because that's the outline and index of the book. That will help you organize your ideas, and from those ten headings there will be, primary headings, secondary headings, subheadings, and so on – as with any outline – because this is a Matn, and as we said in the last Halaqa, a Matn is in reality an outline.

The 'Ulamā' gave special attention to dividing and breaking down Fiqh topics, and it's just to make it easier for you and me, so we can comprehend it and understand it and learn it and teach it better. It's a method actually derived in a way from the Qur'ān, Allah (سبحانه و تعالى) categorized some matters in the Qur'ān.

هُوَ الَّذِي خَلَقَكُمْ فَمِنْكُمْ كَافِرٌ وَمِنْكُمْ مُؤْمِنٌ وَاللَّهُ بِمَا تَعْمَلُونَ بَصِيرٌ

(He it is Who created you, then some of you are disbelievers and some of you are believers. And Allah is All-Seer of what you do) 64:2

- So, the **major heading**: Allah Created you
- **The sub or secondary heading** a) Some of you are disbelievers
- **Sub or secondary heading** b) And some of you are believers

There is no (c), and there is no in between. Crisp – clear, so everyone can get it.

There are many other examples like that throughout the Qur'ān. When knowledge is broken down like that, when it's broken down like that for us, it makes it easier to comprehend, and it makes the points stronger and clearer, and more logical when presented.

We said these ten categories or major headings, are the main index of the book. And the tenth one that we mentioned which is the laws of inheritance, we said it was the last one and we mentioned why it's the last one. But if you skimmed through the book already, or you went over it already – you really don't have to, you can go along as we teach it.

He mentions inheritance as chapter seven, it's not chapter ten. The book ends with chapter seven – the inheritance. There is no eight, nine, and ten. What happened to those three chapters?

What he did is he combined between marriage and divorce – he put them under one heading chapter because they are related to each other. So, he put them under chapter three. He combined between Jinayāt and Ma'āsi under chapter four, because they are related. He

combined between eating and drinking under chapter six and that's where the three missing pieces of the puzzle went.

The Author رحمه الله تعالى said:

مدار الفقه على عشرة أشياء

Then he said:

الاول في العبادات

First matter is the issues of worship,

We're starting here with number one, number one of the ten major headings, it's the longest one. 'Ibādāt is almost half the book, the rest of the nine are in the other half of the book.

Even though 'Ulamā' differ on how they outline and categorize Fiqh chapters as we stated, one of the most common things they have, is that nearly all of them start with 'Ibādāt. That's one thing they almost all agree upon.

Why? It's pretty obvious. **Ibn 'Ābidīn Al-Hanafī** said they start with what Allah (سبحانه و تعالى) created us for.

وما خلقت الجن والانس الا ليعبدون

(And I (Allah) created not the jinns and humans except they should worship Me (Alone). 51:56

Ar-Ramli and Al-Dimyāti, who are Imams of Al-Shafi'iyyah Madhhab, they said we start with 'Ibāda because it pertains to the most noble of matters, meaning it pertains to matters that deal and relate to Allah (سبحانه و تعالى). **Ad-Dimyāti** said, and then we move onto social dealings among people because it's an extreme necessity.

In summary, they began with 'Ibādāt because we were created for it, and 'Ibādāt like Salah and Zakah are – complete 'Ibādāt, and therefore that shows their importance in mentioning them first and foremost. Now, matters like social dealings, it's not a 'Ibāda in itself like Zakah and Hajj and Salah. Buying and selling is a Mubāh (permissible) Dunya dealing, it MAY become a 'Ibāda with an intention – [thus] transforming it into a 'Ibāda.

What is a 'Ibāda?

Ibn Taymiyyah (رحمه الله تعالى) said:

اسم لما يحبّه الله ويرضاه من الأقوال، والأفعال، والأعمال الظاهرة والباطنة

It's a collective term for everything Allah (سبحانه و تعالى) loves and He's pleased with, whether it may be sayings or actions, and whether it may be outward or inward.

The author was referring specifically to the 'Ibādāt mentioned in the famous hadith on pillars of Islam, that's in Sahih Bukhārī and Muslim.

Islam is raised on five (pillars):

بُني الإسلام على خمسٍ
شهادة أن لا إله إلا الله وأنّ محمدًا رسول الله،
وإقام الصلاة،
وإيتاء الزكاة، وحج البيت،
"وَصَوْمَ رَمَضَانَ"

The Author said:

مدار الفقه على عشرة اشياء
الاول في العبادات
وهي خمسة: الصلاة والزكاة والصوم والحج والجهاد

The acts of worship are five:

Salah, obligatory charity (zakat), fasting, pilgrimage, and Jihād

We have two problems:

He left out one of the pillars of Islam from the hadith and the outline, and he added a different one, why did he leave out shahādah? Why did he add Jihād with the pillars?

Let's start with the first issue, Shahadah and Tawheed are major Fiqh, Al Fiqh Al-Akbar, we're studying here Minor Fiqh. The word of Tawheed is studied in Tawheed and Aqeedah like **Al 'Usool Al-Thalaatha** – that Matn, that's where it belongs. They have independent books and fields.

The term major Fiqh allegedly came from Abu Hanifah رحمه الله تعالى, describing Tawheed. They attribute that term to Abu Hanifah based on a book on Tawheed called **Al-Fiqh Al-Akbar**, the major Fiqh, and they state that he was the first to refer to Tawheed as major Fiqh.

That book is famous for the Hanafi and non-Hanafi madhab – in fact it's quoted by Ibn Taymiyyah in *Dār' T'ārud Al- 'Aql Wal-Naql* and quoted by Ibn Abi Al- 'Izz, and it's quoted by Ibn Al-Qayyim, and it's quoted by Ibn Qudāmah. In fact, some even mentioned a chain for the book. But then some analyzed it and said it's not really the work of Abu Hanifa – it's not attributable to Abu Hanifa رحمه الله تعالى.

The safest route is to say Al-Fiqh Al-Akbar the book is “*allegedly attributed book to Abu Hanifa*” رحمه الله تعالى. The Shahadah, the first pillar of Islam falls under Major Fiqh – Al-Fiqh Al-Akbar – under the books of Tawheed and their Mutūn. We are studying here, the minor Fiqh so that's why he omitted the Shahadah from the outline. It was very rare that 'Ulamā' ever put Tawheed into Fiqh books, one who did that is Abu Zayd Al-Qayrawāni. He began his Risālah on Fiqh with a very small section on Tawheed, and that's extremely exceptional (rare). The overwhelming vast majority of 'Ulamā' began their Fiqh books with 'Ibādāt, the matters of worship, and did not include Tawheed as a chapter in them.

The author رحمه الله تعالى said:

الاول في العبادات

وهي خمسة: الصلاة والزكاة والصوم والحج والجهاد

Before we go on, I forgot the second issue, why did he add Jihād to 'Ibādāt that are the pillars of Islam? We all know the hadith on the pillars of Islam that I first mentioned. In fact, it's the first hadith I ever memorized in my life as a child. Jihād is not in it. AbdulRahmān Ibn Al-Qāsim رحمه الله تعالى said – he's a contemporary 'Ālim, he died nearly half a century ago, he was the one who compiled the Fatāwa of Ibn Taymiyyah and the works of Muhammad Ibn Abdel Wahab, [and] in the context of explaining the book *Al-Rawdul Murba'*, which is a different Hanbali Fiqh book – he said explaining this exact issue: *Some considered Jihād the sixth pillar and that's why it's mentioned after the 5 pillars.*

He was explaining why Hanābila included it in the 'Ibādāt with the pillars of Islam.

I had a teacher who used to attribute it to a specific Sahābi but I was never able to find any direct statement of a Sahabah stating they considered Jihād a sixth pillar; the closest you'll possibly find is what's related in Abu Dawūd At-Tayālisi's Musnad, that Hudhayfah (رضي الله عنه) said that Islam is eight portions, and he included ordaining the good and forbidding the evil and Jihād, but he didn't directly say it's a pillar. Those who mention it as a sixth pillar were trying to show its high status in Islam, but when the hadith didn't specify it as a pillar, nor do I know any of the early Salaf who explicitly referred to it as a "pillar", then I believe there is a wide variety of terms and ways to show the high-status Islam gave to Jihād. No one but a deluded munāfiq would diminish or deny the high-status Islam gave to Jihād, and no one but a bigger full-blown munāfiq would pervert its real true meaning and teachings that the Prophet (صلى الله عليه و سلم) gave.

In some of the narration about that hadith about the pillars of Islam, 'Hajj' is mentioned as a 4th pillar and some exchanged around with Siyām (fasting) and mentioned it as a 5th pillar, and in another hadith the Messenger gave Jihād precedence over Hajj, so do we then say Hajj is a fifth rather than say it's the sixth? Or we say sometimes it's the fifth and a sixth? The Messenger (صلى الله عليه و سلم) specified certain matters under certain terminologies and we should stick to them, especially since the Salaf didn't use them from what I believe. The Messenger (صلى الله عليه و سلم) was asked:

سُئِلَ أَيُّ الْعَمَلِ أَفْضَلُ

What is the best of deeds?

فَقَالَ "إِيمَانٌ بِاللَّهِ وَرَسُولِهِ"

To believe in Allah and His Apostle (Muhammad).

قِيلَ ثُمَّ مَاذَا قَالَ "الْجِهَادُ فِي سَبِيلِ اللَّهِ"

The questioner then asked, "What is the next (in goodness)? He replied, "To participate in Jihād

قِيلَ ثُمَّ مَاذَا قَالَ "حَجٌّ مَبْرُورٌ..."

What is the next (in goodness)?" He replied, "To perform Hajj"

We can't make Jihād a fifth pillar based on that, or a sixth one. But that shows us the importance of this mighty noble obligation. Ibn Hajar رحمه الله تعالى pertaining to this Hadith said, commenting on it – Jihād was given precedence in that Jihād is a matter that benefits everyone while Hajj benefits only the individual, or he said it's in reference to when Jihād is a Fard 'Ayn (individual obligation). 'Ulamā' of Haqq have spoken so highly of Jihād in various way that shows its importance, without needing to refer to it as the 6th pillar specifically.

Imām Ahmad (رحمه الله تعالى) said:

لا أعلم شيئاً بعد الفرائض أفضل من الجهاد

I don't know anything after the obligations more essential than Jihād.

Ibn Taymiyyah رحمه الله تعالى had very similar statements. And more important than all those quotes, are the Ayāt of the Qur'ān:

يَا أَيُّهَا الَّذِينَ آمَنُوا هَلْ أَدُلُّكُمْ عَلَىٰ تِجَارَةٍ تُنْجِيكُمْ مِنْ عَذَابٍ أَلِيمٍ
تُؤْمِنُونَ بِاللَّهِ وَرَسُولِهِ
وَتُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ تَعْلَمُونَ

(O you who believe! Shall I guide you to a commerce that will save you from a painful torment. That you believe in Allah and His Messenger, and that you strive hard and fight in the Cause of Allah with your wealth and your lives, that will be better for you, if you but know!) (61:10-11)

Some referred to ordaining the good and forbidding the evil, as the sixth pillar and the same explanation applies to that. Why did the author mention Jihād under the matters of 'Ibāda or worship? The earliest one to mention Jihād under 'Ibādāt in the Fiqh outline was **Mahfooth Abu Al-Khattāb** in his book *Al-Hidāyah 'Alā Madhhab Al-Imām Ahmad*, and he died 510AH. Generally, and there's an exception from this research, is that **Hanafiyyah** and newer or later **more recent fuqahā' of Hanābilah** mentioned Jihād under the chapter on 'Ibādah with the pillars of Islam.

In the author's biography, we said he is more of a contemporary 'Alim, he died only around 500 years ago, he's not from the early generations. So, he falls under the more recent Hanābilah and he followed in their trend – of putting it in their 'Ibāda [sections]. **Shāfi'iyyah, Mālikiyyah, and the earlier Hanābilah**, generally mention Jihād in Mu'āmalāt, social dealings – which is the next main chapter after 'Ibāda, or there's other various chapters it's (Jihād) included in. It's mentioned in Mu'āmalāt (social relationships), because Jihād is a type of relationship with people. It deals with other people.

Abu al-Qāsim Al-Khirāqī mentioned it and thought it was best placed under the judicial section and he put it there instead of 'Ibādāt. Overall, it falls under the breakdown [in this book].

Those who mentioned it under 'Ibādāt like our author, why? Because Jihād overall is a 'Ibāda.

Ibn Taymiyyah (رحمه الله تعالى) said:

اتَّفَقَ الْعُلَمَاءُ - فِيمَا أَعْلَمَ - عَلَى أَنَّهُ لَيْسَ فِي التَّطَوُّعَاتِ أَفْضَلُ مِنَ الْجِهَادِ

The 'Ulamā' in what I know all agree that there is nothing among the voluntary 'Ibādāt more virtuous than Jihād.

When it's a 'Ibāda, it must be sincere and in accordance. And in accordance means we need to learn its proper rules and regulations. So, number one, it's 'Ibāda, that's why they included it under 'Ibāda, because it is a 'Ibāda. Number two, the 'Ulamā were 'Ulamā' back then, not like what you see today of those so called 'Ulamā', who reclined to this Dunyā and sold their Deen and detached themselves from the worries of the Ummah. 'Ulamā' were moved by the causes of this ummah, in fact, Ibn Qudāma – who I mentioned last halaqah – one of biggest 'Ulamā' of the Hanbali Madhhab of all time who served the Hanbali Fiqh as I told you, with his writing, for different varying levels on the Hanbali Madhhab.

You get an image – from what he wrote, and what he did of work, that all he did was sit with his feather and ink pot writing day and night – well he did do that. But he had another side of him many don't know, he was in the forefronts with the soldiers under the leadership of Salāh Ad-Deen's army, he fought in the front lines and helped liberate and conquer 'Akā', Tabareyyah, and Hittīn, and Tibnēn, Saydah, Beirut, and 'Asqalān, all the way until they liberated Al-Quds – that's what the Crusaders occupied. They say he spent his time between teaching and Jihād. The point of all this is it's possible that some 'Ulamā' who chose to put Jihād under 'Ibādāt – which is the most important chapter – they did so with the purpose of showing the high status of Jihād. So, they put it in the most important chapter of Fiqh.

There are many other chapters that Jihād broadly falls under, which other 'Ulamā' did. But putting it here by some 'Ulamā' to highlight its importance in status. **Yes, this is a Fiqh book** not an inspirational book, but when you're moved by something and it's apart of you, and it's something you deeply love, hints of your love for something slip out and become apparent no matter what topic you write or speak about even if its grammar. And if it doesn't come out unintentionally due to your deep love for it, you yourself try to slip in one way or another because you're moved by it. Placing Jihād in this category of Fiqh lets people to understand the one who obligated Salah, Siyām, Zakah, Hajj – is the one who obligated Jihād.

The One who said:

كُتِبَ عَلَيْكُمُ الصِّيَامُ

Is the One who said:

كُتِبَ عَلَيْكُمُ الْقِتَالُ

The third reason why Jihād was under 'Ibādāt – and it's a unique wisdom in placing Jihād in this order, at the end of the chapter on 'Ibādāt, right before the chapter on Mu'āmalāt which is social dealings, and that's because 'Ibādāt is dealing with Allah (سبحانه و تعالى) – it's your relationship with Allah. And overall, the proofs are mostly centered around the Qur'ān and the Sunnah with some ijtihad in them.

The next chapter is Mu'āmalāt – social relationships and dealings between people there is a lot of ijtihad of 'Ulamā' in them – one is pertaining to your dealing with Allah. And one is pertaining to people. One has a lot of Nusūs (textual proof) in them, and one has a lot of ijtihad in it. So, they included Jihād at the end of 'Ibādāt to smooth the way into the new chapter of Mu'āmalāt, the social relationships. WHY? Because Jihād has an aspect of 'Ibādā, and Jihād also has an aspect of dealings with people in it, and so it's the best topic to blend [the] 'Ibādā chapter to the Mu'āmalāt chapter, because Jihād involves both.

So now let's start on Salāh:

الأول منها الصلاة

و تشتمل أمورها على سبعة أشياء: شرط. و ركن. و واجب و سنة. و مباح. و مكروه. و محرم.

First of the matters of 'Ibādāt is Salāh. And it's clear why he chose Salāh as the first 'Ibādā – the audience I'm speaking to clearly knows that. Actually, I think it's better ending it here instead of ending it halfway through. Let's stop at this point right here – and inshā'Allah we'll continue next week with the [chapter on] Salāh and what's after that.

Jazākum Allahu Khair,

و صلى الله على سيدنا محمد و على آله و صحبه و سلم